

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11928 of 2016

Arising Out of PS.Case No. -3 Year- 2016 Thana -SARMERA District- NALANDA
(BIHARSHARIFF)

- =====
1. Gopal Chauhan, son of Late Sadhu Sharan Chauhan, r/o village - Baseherter, Beldariya, P.S. - Sarmera, District - Nalanda.
 2. Dharendra Chauhan, son of Kali Chauhan, r/o Village - Khujna, P.S. Nardfiganj, District Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Adv.

For the Opposite Party/s : Mr. (Dr.) Ravindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 28-03-2016

Heard.

The petitioners apprehend their arrest in a criminal prosecution registered under Section 366-A/34 of the Indian Penal Code.

Though the petitioners, besides co-accused Guddu Chauhan, are named in the FIR vide Annexure-1 as accused persons, but taking into consideration the fact that the FIR was lodged after undue and unexplained delay of about four days and further taking into consideration the fact that the alleged victim girl Rina Kumari has been recovered and in her statement recorded under Section 164 Cr.P.C. vide Annexure-2 she has not even named these petitioners as accused and also taking into consideration the fact that the petitioners are said to be the first offender, this Court is inclined to accede to the prayer made on behalf of the petitioners for grant of anticipatory bail. Accordingly, their prayer for grant of anticipatory bail is allowed.

In the event of their arrest or surrender in the court

below within a period of four weeks from today, let the above named petitioners be enlarged on bail on furnishing bail bond of Rs. 25,000/- each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-VI, Nalanda at Bihar Sharif in connection with Sarmera P.S. Case No. 03 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C. and subject to further conditions that:

- (A) One of the bailors must be government servant or close family members of the petitioners, who will file an affidavit in the court below showing his/her relationship with the petitioners,
- (B) if the petitioners are found involved in same and similar nature of cases in future, then in that case the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioners, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned;
- (C) the petitioners shall make regular pairvi in the court below in the present case either by appearing themselves in person or through representation by their lawyer on each and every date, and if on two consecutive dates petitioners fail to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioners.

Arvind/-

(Birendra Prasad Verma, J)

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